COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**On-duty hit shooting, suspect deceased**
IAB FILE NUMBER:	**SH 2382214**
URN#:	**015-13224-1352-013**
DATE/TIME:	**July 5, 2015, 2141 hours**
LOCATION:	[redacted] **216th Street, Hawaiian Gardens, California**

SYNOPSIS

On Sunday, July 5, 2015, Internal Affairs Bureau (IAB) investigators Sergeants Luan Dang, Daniel Martin, and Lieutenant David Flores responded to Hawaiian Gardens regarding an On-duty Deputy Involved Shooting. IAB investigators discovered Suspect Johnny Ray Anderson attempted to grab Deputy [redacted]s weapon and was shot by Deputy [redacted] Suspect Anderson sustained a gunshot wound to his left chest and died at the scene.

Prior to IAB investigators arrival, IAB Lieutenant Flores checked to see that the watch commander (Lieutenant Eric Lindblom) took reasonable steps to ensure the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative. In addition, IAB Lieutenant Flores checked to see if the watch commander attempted to have the involved and witness personnel gather in the company of a supervisor until they provided a statement to the assigned investigators.

Sergeant Robert Martindale and Detective Quilmes Rodriguez from the Los Angeles County Sheriff's Department Homicide Bureau arrived and assumed control of the homicide investigation. For further information regarding the homicide investigation refer to the Homicide Investigation Book, under URN #15-13224-1352-013 (see **EXHIBIT A**).

The District Attorney's Office reviewed the investigation and authored a Letter of Opinion stating Deputy [redacted] was justified in using deadly force and acted lawfully in self-defense, and there would be no further action from the District Attorney (see **EXHIBIT B**).

SUMMARY

On [redacted] approximately 2126 hours, Lakewood Station received a call from [redacted] (informant) regarding trespassing in progress. The call indicated there were several gang members breaking into a vacant house, located at [redacted] in the city of Hawaiian Gardens, and using illegal narcotics. Lakewood Station desk personnel generated incident number 493 and dispatched Deputies Marcos Esquivel and Clark Lopez, units 135B and 134, to handle the call (see **EXHIBIT A, page 15**). Deputy Esquivel was assigned as the handling unit and Deputy Lopez was assigned as an assisting unit.

As Deputies Esquivel and Lopez acknowledged the call, Unit 135A assigned themselves to the trespassing call. Deputies [redacted] and Christopher Jauregui were assigned as Unit 135A, which was a two-man [redacted] car. Deputy [redacted] was the [redacted] and Deputy Jauregui was Deputy [redacted]'s assigned [redacted]

> **IAB Note:** Deputy Jauregui was on the [redacted] of his patrol [redacted] and this was the first shift he worked with Deputy [redacted]

Deputies Esquivel and Lopez responded to [redacted] and directed Deputies [redacted] and Jauregui to cover the rear containment of the trespassing location. Deputies [redacted] and Jauregui took the rear containment located on 216th Street. When Deputies [redacted] and Jauregui arrived at 216th Street, they exited their patrol vehicle and met at the trunk of their patrol vehicle to discuss their plan (*refer to* ***Deputy [redacted] first IAB transcript, pages 12&13, and Deputy Jauregui's IAB transcript, pages 10&11***). Once their plan was discussed, Deputy [redacted] stood on the street directly south of a [redacted] Deputy Jauregui stood on the street directly in front of a [redacted] leading to an [redacted] approximately 50 feet to the east of Deputy [redacted]. The [redacted] contained two units with the front unit having an address of [redacted] and the rear unit having an address of [redacted]

The [redacted] was located directly [redacted] of the property related to the trespassing call, and a cinderblock wall separated the properties on 215th Street and 216th Street. In addition, the [redacted] was separated by a cinderblock wall to the [redacted] which ran adjacent to a parking lot of an [redacted]. Deputy [redacted] instructed Deputy Jauregui to cover the parking lot of the [redacted] to the [redacted], while he stood in the street (216th) in front of the [redacted] approximately 40-50 feet west of Deputy Jauregui. Both Deputies [redacted] and Jauregui had visual contact of each other as they stood at their containment positions.

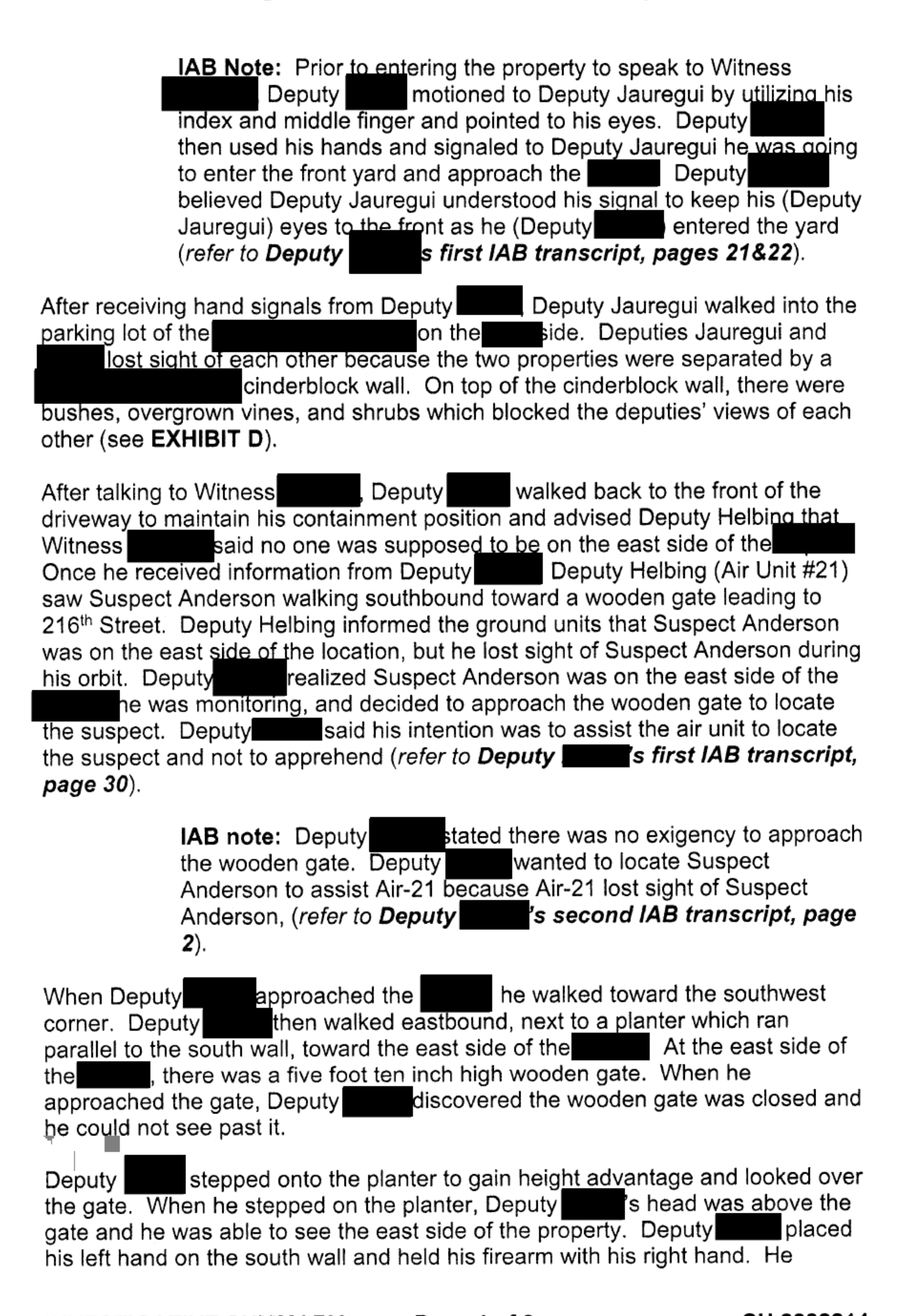
As Deputies Esquivel, Lopez, [redacted], and Jauregui arrived at their containment positions, Air-21 (Deputies Charles Gonzalez and Russell Helbing) also arrived and provided aerial coverage for the ground units. Deputy Gonzalez was the

pilot and Deputy Helbing was assigned as the Tactical Flight Deputy. Within minutes upon their arrival, Deputies Esquivel and Lopez detained a female, later identified as [redacted] who walked northbound from the property related to the trespassing call toward 215th Street. As [redacted] walked toward Deputies Esquivel and Lopez, Suspect Anderson fled away from the trespassing property, southbound, toward the duplex leading to 216th Street. Deputies Esquivel and Lopez did not see Suspect Anderson when they detained [redacted]

> **IAB Note:** [redacted] told homicide investigators Suspect Anderson ran southbound because he was afraid of being arrested for violating a gang injunction. Records indicated Suspect Anderson was identified as a Varrio Hawaiian Gardens gang member and he was served with a gang injunction on March 31, 2009 (see **EXHIBIT A, page 276**).

When Suspect Anderson fled southbound, he wandered into a carport area located between a detached garage and a duplex located on [redacted] Witness [redacted] was inside his house ([redacted] when he saw Suspect Anderson standing between the detached garage and his house. Witness [redacted] alerted his [redacted] Witness [redacted] of Suspect Anderson's presence. As Witness [redacted] alerted Witness [redacted], Suspect Anderson walked out of the carport area and knocked on the door located on the east side of their ([redacted]) house. Witness [redacted] confronted Suspect Anderson and told him to get away. Witness [redacted] told his [redacted] Witness [redacted] to call 9-1-1. Witness [redacted] called Lakewood Station and informed desk personnel that Suspect Anderson was on the east side of their house. Lakewood Station advised the units at the trespassing call of Suspect Anderson's location (refer to **EXHIBIT C**).

After receiving the updated information from the desk, Deputy Helbing saw Suspect Anderson sitting on the stairs leading to Witness [redacted] door on the east side of the [redacted] Simultaneously as Deputy Helbing located Suspect Anderson, Witness [redacted] went to the front entrance of his house, which was located on the west side. Witness [redacted] saw Deputy [redacted] standing in front of his (Witness [redacted] driveway and waved to him. Deputy [redacted] entered the property, and learned from Witness [redacted] that Suspect Anderson was on the east side.



IAB Note: Prior to entering the property to speak to Witness [redacted] Deputy [redacted] motioned to Deputy Jauregui by utilizing his index and middle finger and pointed to his eyes. Deputy [redacted] then used his hands and signaled to Deputy Jauregui he was going to enter the front yard and approach the [redacted] Deputy [redacted] believed Deputy Jauregui understood his signal to keep his (Deputy Jauregui) eyes to the front as he (Deputy [redacted] entered the yard (*refer to* ***Deputy*** [redacted]***s first IAB transcript, pages 21&22***).

After receiving hand signals from Deputy [redacted], Deputy Jauregui walked into the parking lot of the [redacted] on the [redacted] side. Deputies Jauregui and [redacted] lost sight of each other because the two properties were separated by a [redacted] cinderblock wall. On top of the cinderblock wall, there were bushes, overgrown vines, and shrubs which blocked the deputies' views of each other (see **EXHIBIT D**).

After talking to Witness [redacted], Deputy [redacted] walked back to the front of the driveway to maintain his containment position and advised Deputy Helbing that Witness [redacted] said no one was supposed to be on the east side of the [redacted] Once he received information from Deputy [redacted] Deputy Helbing (Air Unit #21) saw Suspect Anderson walking southbound toward a wooden gate leading to 216th Street. Deputy Helbing informed the ground units that Suspect Anderson was on the east side of the location, but he lost sight of Suspect Anderson during his orbit. Deputy [redacted] realized Suspect Anderson was on the east side of the [redacted] he was monitoring, and decided to approach the wooden gate to locate the suspect. Deputy [redacted] said his intention was to assist the air unit to locate the suspect and not to apprehend (*refer to* ***Deputy*** [redacted]***'s first IAB transcript, page 30***).

IAB note: Deputy [redacted] stated there was no exigency to approach the wooden gate. Deputy [redacted] wanted to locate Suspect Anderson to assist Air-21 because Air-21 lost sight of Suspect Anderson, (*refer to* ***Deputy*** [redacted]***'s second IAB transcript, page 2***).

When Deputy [redacted] approached the [redacted] he walked toward the southwest corner. Deputy [redacted] then walked eastbound, next to a planter which ran parallel to the south wall, toward the east side of the [redacted] At the east side of the [redacted], there was a five foot ten inch high wooden gate. When he approached the gate, Deputy [redacted] discovered the wooden gate was closed and he could not see past it.

Deputy [redacted] stepped onto the planter to gain height advantage and looked over the gate. When he stepped on the planter, Deputy [redacted]'s head was above the gate and he was able to see the east side of the property. Deputy [redacted] placed his left hand on the south wall and held his firearm with his right hand. He

cleared the east side of the property by slowly looking from east to west. After he cleared the area in front of him, Deputy [redacted] bent his left elbow, leaned toward the gate, and tried to clear the area directly below the wooden gate.

Deputy [redacted] extended his right hand and began to look down at the area below the wooden gate. As the barrel of Deputy [redacted]s firearm was approximately one inch beyond the wooden gate, he saw one of Suspect Anderson's hands appear and Suspect Anderson attempted to grab his firearm. Deputy [redacted] estimated Suspect Anderson's hand was within inches of his firearm, but Suspect Anderson did not touch his (Deputy [redacted] firearm. Fearing Suspect Anderson would take control of his firearm and use it against him and/or his partner, Deputy [redacted] simultaneously stepped back and fired one round at Suspect Anderson.

> **IAB Note:** Scientific Services Bureau Firearms Identification Section conducted tests of Deputy [redacted]'s weapon to determine the end point from which gunshot residues are deposited after discharge. The results from the tests indicated minimal gunshot residue particles were observed at a distance of 24 inches, however, there were no residues observed at a distance of 30 inches (see **EXHIBIT A, page 415**).

> **IAB Note:** Gunshot residue samples were collected from Suspect Anderson. Results indicated Suspect Anderson's right hand had many characteristic particles of gunshot residue, and his face had several particles of gunshot residue (see **EXHIBIT A, page 403**).

Immediately after Deputy [redacted] fired his weapon, he stepped down from the planter and pushed the gate open. Deputy [redacted] held Suspect Anderson at gun point and ordered him to get on the ground. Deputy [redacted] saw Suspect Anderson grab his chest and slump over the ground, landing on his left side. As Deputy [redacted] held Suspect Anderson at gunpoint, Deputy Jauregui arrived to assist. Deputy [redacted] stepped away from the gate, utilized his handheld radio to broadcast he was involved in a shooting, and requested for medical response.

Deputies [redacted] and Jauregui continued to hold their containment positions because the call indicated there were numerous gang members at the trespass location and due to the fact they had not cleared the area. Medical personnel, Los Angeles County Fire Department Engine #34, arrived and provided medical assistance to Suspect Anderson. He was pronounced dead by the paramedics at the scene. Numerous additional units arrived and Deputy [redacted] was subsequently transported back to Lakewood Station.

> **IAB Note:** Suspect Anderson's Toxicology Report indicated he had Amphetamine, Ephedrine, and Methamphetamine in his system (see **EXHIBIT A, page 392**).

IAB Note: Suspect Anderson's Autopsy Report indicated the bullet penetrated his (Anderson) left chest at the fourth rib, traveled downward and slightly from left to right, punctured the heart and liver, and rested at the subcutaneous tissue of the lower back.

DISTRICT ATTORNEY'S LETTER OF OPINION

The Justice System Integrity Division of the Los Angeles County District Attorney's Office reviewed the fatal shooting of Johnny Ray Anderson by Deputy [redacted]. In their Letter of Opinion **(EXHIBIT B)**, dated August 4, 2016, Deputy District Attorney James Garrison concluded Deputy [redacted] acted lawfully in self-defense and there would be no further action from the District Attorney's Office.

INVOLVED EMPLOYEE AND WORK HISTORY

[redacted], Deputy Sheriff, #[redacted]
South Patrol Division
Lakewood Station

Work History

Date of Employment:	May 2, 2002
Date Assigned to Patrol/Compton Station:	[redacted]
Date Completed Patrol Training:	
Prior Shooting incident(s):	
Prior Founded Force Incidents:	



Equipment Worn On Person

Oleoresin Capsicum (OC) Spray
Key ring
Two magazine pouches with magazines
Expandable Baton (ASP)
Radio
Two handcuff cases
92FS Berreta
Flashlight
PR-24 baton (in radio car)

SUSPECT INFORMATION

Johnny Ray Anderson
Male, Hispanic, DOB: July 9, 1971, 5'08", 140 pounds
Transient
CII #[redacted] MAIN #[redacted] FBI #[redacted]

IAB Note: A copy of Suspect Anderson's criminal history is included in the Homicide Investigation Book (see **EXHIBIT A, pages 356-372**).

SUSPECT'S INJURIES

Suspect Anderson sustained one gunshot wound to his left chest area and died on scene (**EXHIBIT A, pages 373-382**).

DEPUTY PERSONNEL INJURIES

There was no injury sustained by Deputy [redacted] 

PHYSICAL EVIDENCE

All physical evidence was located and collected by Homicide Sergeants Robert Nava and Sandra Clark. They were assisted by Forensic Identification Specialists II Nakia Porter-Berry and Cynthia Fortier from the Sheriff's Crime Lab. For descriptions of the evidence collected and where it was collected, see the Homicide Investigation Book (**EXHIBIT A, pages 399-423**).

INVESTIGATOR'S OBSERVATIONS

Three hours transpired from the shooting to IAB Investigator's observations.

The scene is described in detail by Homicide Sergeants Kenneth Clark and Sandra Nava (see **EXHIBIT A, pages 56-60**). Their description of the scene was consistent with IAB Investigators' observations. The scene was also photographed by the Sheriff's Crime Lab personnel (see **EXHIBIT D**).

WEAPON USED BY DEPUTY MILLAN

Deputy [redacted] fired one round of Department issued 9mm ammunition from his Department issued Beretta 92FS, semiautomatic pistol. The firearm was examined by Senior Criminalist Tracy Peck of the Scientific Services Firearms Identification Section and found to be functional (**EXHIBIT A, page 413**).

Deputy [redacted]'s firearm was examined by Senior Criminalist Sallie Chin of the Biology Processing Section, Scientific Services Bureau, for blood evidence. Blood was not detected on the firearm.

One expended 9mm casing was recovered at the scene (**EXHIBIT A, page 57**). One copper-jacketed metal bullet recovered from the body of Suspect Anderson (**EXHIBIT A, page 373**).

Date last qualified: [redacted]
Date last trained with weapon:

WEAPONS USED BY SUSPECT ANDERSON

Suspect Anderson attempted to grab Deputy[redacted]'s Beretta 92FS handgun.

PROPERTY DAMAGE BY SUSPECT ANDERSON

None.

CRIMINAL INVESTIGATORS AND CHARGES FILED

The criminal investigation into the shooting was handled by Sergeant Robert Martindale and Detective Quilmes Rodriguez of the Los Angeles County Sheriff Department's Homicide Bureau. No charges were filed.

LIGHTING AND WEATHER CONDITIONS

The scene was illuminated by a dimmed light on the east side of the location. The weather was clear and cool.

INVESTIGATION

Internal Affairs Bureau investigators interviewed the following Department personnel: Deputy [redacted], Deputy Christopher Jauregui, Deputy Bryan Moreno, Deputy Hector Sinay, Deputy Patrick Chapman, Deputy Russell Helbing, Deputy [redacted] Deputy Marcos Esquivel, Deputy Clark Lopez, and Sergeant James Jobling. The interviews were digitally recorded and transcribed. For complete statements made, more information, and precise wording, see attached verbatim interview transcriptions.